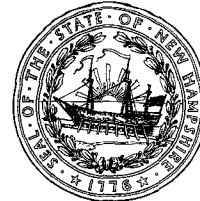




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 29, 2006

LETTER OF DEFICIENCY #WSEB 06-138
Certified Mail #7099 3400 0003 6156 4067

Norma Cheney
Montrose Condominium Assoc.
C/O Great North Property Mgt.
95 Brewery Ln Ste 10/11
Portsmouth, NH 03801

Subject: Stratham - Public Water System: Montrose Condos (EPA #2232070)

Dear Ms. Cheney:

The records of the Department of Environmental Services (DES) show that the Montrose Condos water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 321 through 330.

DES records show that the subject water system exceeded the maximum contaminant level (MCL) for Arsenic for the second quarter of 2006 and as a result, a Notice of Violation (NOV) was issued to the water system on April 21, 2006. A copy of the NOV is enclosed. Pursuant to Env-Ws 351, the NOV noted the requirement that public notice of the Arsenic MCL violation be performed within 30 days and that proof of public notice be sent to DES within 10 days of performing such public notice. DES did not receive the proof of public notice.

As a result of the failure to perform public notice for the second quarter 2006 Arsenic violation, another NOV, dated July 18, 2006, was sent to you, a copy of which is enclosed. This NOV requested that you perform the overdue public notice within 7 days and then immediately provide proof of public notice to DES.

To date, no proof of public notice has been received by DES for the second quarter 2006 Arsenic MCL violation, thus placing the water system in violation of Env-Ws 351.

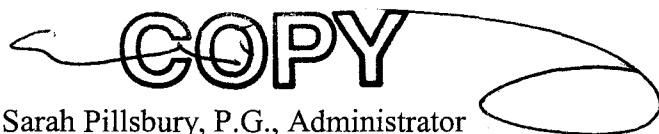
DES believes the public notice violation can be corrected, and future violations prevented, by taking the following actions:

1. **By October 6, 2006**, carry out the public notice requirements for the second quarter 2006 Arsenic MCL violation in accordance with the instructions on the enclosed public notice template; and
2. **By October 9, 2006**, provide proof of public notice to DES in accordance with the instructions on the enclosed public notice template.

In the event compliance is not achieved within this period, DES may initiate formal action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please contact Emily Jones by phone at (603) 271-0659 or by e-mail at ejones@des.state.nh.us if you have any questions regarding this letter.

Sincerely,

 **COPY**

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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encl. Notice of Violation (Arsenic MCL), dated April 21, 2006
Notice of Violation (public notice), dated July 18, 2006
Arsenic MCL Public Notice template

cc: Gretchen R. Hamel, DES Legal Unit Administrator
Mark Bickford, Primary Operator
Town of Stratham Health Officer
EPA, Region 1
File